

United States District Court

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

UNITED STATES OF AMERICA
V.UN - **SEALED** CRIMINAL COMPLAINT

Juan Antonio Perez

PRINCIPAL

United States

Case Number:

YOB: 1957

M-18- 762 -M

Jose Ernesto Sanchez-Varela

CO-PRINCIPAL

El Salvador

United States District Court
Southern District of Texas
FILED

YOB: 1981

APR 12 2018

(Name and Address of Defendant)

Clerk of Court

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 10, 2018 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Pablo Flores-Ibarra, Francisco Javier Bautista-Martinez, citizens of Mexico, and Lesli Lizeth Padilla-Fernandez, citizen of Honduras, along with seventeen (17) other undocumented aliens, for a total of twenty (20), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempt to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation, to-wit: a residence located in Edinburg, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On April 1, 2018, Border Patrol Agents received information regarding a residence located in Edinburg, Texas, being used to harbor undocumented aliens.

On April 6, 2018, agents conducted surveillance at the suspected stash house, when they observed a green Chevrolet pickup enter the residence. A short time later, the green pickup was observed leaving the residence, driven by a subject later identified as Manuel Espinoza Jr. Agents proceeded to follow the pickup and conducted a license plate check, which returned back to Manuel Espinoza Jr. as the registered owner. Agents continued mobile surveillance and followed the green pick up to an address of 2404 Del Rey E, in Edinburg, Texas. Observations ended at this location.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

April 12, 2018

Date

J Scott Hacker

, U. S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Complainant

David Bernall III

Senior Patrol Agent

Printed Name of Complainant

at McAllen, Texas

City and State

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-18-762 -M

**RE: Juan Antonio Perez
 Jose Ernesto Sanchez-Varela
 Manuel Espinoza Jr.**

CONTINUATION:

On April 10, 2018, agents continued surveillance at the suspected stash house and observed a white Dodge Ram depart the location. Agents proceeded to follow the vehicle and requested assistance from Hidalgo County Sheriff's Office (HCSO).

A deputy with HCSO conducted a traffic stop on the Dodge Ram for speeding near the intersection of Davis Road and Doolittle Road in Edinburg, Texas.

When the Dodge Ram came to a stop, two passengers exited the vehicle and ran into an open field. The two subjects were subsequently arrested and brought back to the vehicle stop. Agents approached the driver and the two passengers, identified themselves as Border Patrol Agent and conducted an immigration inspection. The driver of the Dodge Ram was identified as Juan Antonio Perez, a United States Citizen and the owner of the suspected stash house. The two passengers, Francisco Javier Bautista-Martinez and Jose Ernesto Sanchez-Varela were determined to be illegally present in the United States.

At the vehicle stop, Francisco Javier Bautista-Miranda was questioned if there were any more undocumented aliens at the suspected stash house, to which Bautista stated there are approximately five, possibly more undocumented aliens at the residence. Juan Antonio Perez was asked for consent to search his residence, however he refused.

All subjects were arrested and transported to the Border Patrol station for processing. Agents continued to conduct surveillance at the residence until a search warrant was issued.

On April 11, 2018, a United States Magistrate Judge approved and signed a search warrant for the address of 3418 E. Ingle Road, in Edinburg, Texas.

Border Patrol Agents proceeded to the residence and encountered nineteen subjects. Pablo Flores-Ibarra, Lesli Lizeth Padilla-Fernandez, and the additional seventeen (17) subjects all admitted to being illegally present in the United States. All subjects were placed under arrest and transported to the Border Patrol station to be processed accordingly.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-18- 762 -M

**RE: Juan Antonio Perez
 Jose Ernesto Sanchez-Varela
 Manuel Espinoza Jr.**

CONTINUATION:

PRINCIPAL STATEMENT 1:

Juan Antonio Perez, was read his Miranda Rights. He understood his rights and did not to provide a sworn statement.

PRINCIPAL STATEMENT 2:

Jose Ernesto Sanchez-Varela, a citizen of El Salvador, was read his Miranda Rights. He understood his rights and did not to provide a sworn statement.

MATERIAL WITNESSES STATEMENTS:

Pablo Flores-Ibarra and Lesli Lizeth Padilla-Fernandez, and Francisco Javier Bautista-Martinez were read their Miranda Rights. Flores and Padilla both agreed to provide a sworn statement without the presence of an attorney.

Material Witness 1:

Flores, a citizen of Mexico, stated he made the smuggling arrangements and was to pay \$6,000 USD. After crossing the river, Flores stated he was picked up and taken to a Dollar General store. At the store, Flores indicated he was picked up by a male subject, known as "Oso" who was driving a green pickup, and transported to the stash house where he was later arrested. Flores stated the male subject bought food for the people at the stash house. Once he arrived at the stash house, Flores claims the male subject took his cell phone away and informed him that he was in charge. Flores identified Espinoza⁷⁸ through a photo lineup, as the male subject who transported him to the stash house and as the caretaker.₆₈

At the stash house, Flores indicated there was another male subject who was also in charge and would cook for them. Flores claims this male subject would keep everyone from accessing their cellphones. Flores indicated this male subject would communicate with the other two caretakers. Flores identified Sanchez, through a photo lineup as the male subject who cooked and gave orders at the stash house.

Lastly, Flores claims the owner of the house sprayed them with alcohol because they had bug bites. Flores stated the home owner drove a white pickup and would take some undocumented aliens to work. Flores indicated he observed the home owner drop off undocumented aliens on several occasions. Flores identified Perez, through a photo lineup, as the home owner of the stash house.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-18-742 -M

**RE: Juan Antonio Perez
 Jose Ernesto Sanchez-Varela
 Manuel Espinoza Jr.**

CONTINUATION:

Material Witness 2:

Padilla, a citizen of Honduras, stated she made smuggling arrangements and was to pay an unknown dollar amount to be smuggled into the United States. Padilla stated she illegally entered the United States with several individuals by crossing river. Once in the United States, Padilla stated she walk until she arrived to a pickup location and was then transported by a vehicle to a grocery store. At the grocery store, Padilla stated she and three others were picked up by a male subject driving a white pickup and transported to the house where she was arrested. Padilla stated that when they arrived to the house the driver instructed them to enter the house. Padilla indicated the driver of the white pickup was the owner of the house. On one occasion, Padilla stated the owner of the house asked for the clothes of the undocumented aliens at the stash house and took their clothes to wash. Padilla, identified Perez, through a photo lineup, as the owner of the stash house and as the person who transported her in the white pickup.

Padilla stated when she arrived to the stash house they were received by a male subject who took their cellphones. Padilla claims the subject then asked them if they were hungry and provided food, he also instructed them to write their name on a notebook. Padilla stated that while she was at the stash house the same subject cooked for the undocumented aliens. Padilla stated it seemed like the subject was in charge because he would be able to use his cellphone, unlike the other undocumented aliens. Padilla stated the subject would mistreat them verbally and would not give them enough food. Padilla, identified Sanchez, through a photo lineup, as the person who received her and cooked at the stash house.

Padilla continued and stated when she was at the stash a green pickup dropped off three undocumented aliens. Padilla indicated those undocumented aliens stated a subject known as "Oso" dropped them off. Padilla stated she observed the green pickup drop the undocumented aliens through surveillance monitor which were in the house. Padilla indicated that Sanchez would call "Oso" when they were out of food at the stash house.

Material Witness 3:

Francisco Javier Bautista-Martinez, a citizen of Mexico, will be held as a Material Witness. Bautista was apprehended at the vehicle stop on April 10, 2018 and stated to agents there were additional undocumented aliens at the stash house.